

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1283

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H.P. 936

House of Representatives, February 27, 1997

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**An Act to Restrict Parental Rights of Convicted Sex Offenders.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BAKER of Dixfield.  
Cosponsored by Senator FERGUSON of Oxford and  
Representative AHEARNE of Madawaska, Senator: KILKELLY of Lincoln.

Be it enacted by the People of the State of Maine as follows:

2  
3       **Sec. 1. 22 MRSA §4052, sub-§1**, as enacted by PL 1979, c. 733,  
4 §18, is amended to read:

6       **1. Petitioner.** A termination petition may be brought by the  
7 custodian of the child and must be brought upon the court's own  
8 motion immediately upon a parent's conviction of the offenses set  
9 forth in section 4055, subsection 1-B.

10       **Sec. 2. 22 MRSA §4055, sub-§1-A, ¶¶A and B**, as amended by PL  
11 1995, c. 481, §3, are further amended to read:

12       A. The parent has acted toward a child in a manner that is  
13 heinous or abhorrent to society or has failed to protect a  
14 child and that failure is in a manner that is heinous or  
15 abhorrent to society, without regard to the intent of the  
16 parent, except to the extent the parent's actions are  
17 governed by subsection 1-B;

18       B. The victim of any of the following crimes was a child  
19 for whom the parent was responsible or the victim was a  
20 child who was a member of a household lived in or frequented  
21 by the parent and the parent has been convicted of:

- 22           (1) Murder;
- 23           (2) Felony murder;
- 24           (3) Manslaughter;
- 25           (4) Aiding or soliciting suicide;
- 26           (5) Aggravated assault;
- 27           ~~(6) Rape;~~
- 28           ~~(7) Gross sexual misconduct or gross sexual assault;~~
- 29           ~~(8) Sexual abuse of minors;~~
- 30           ~~(9) Incest;~~
- 31           (10) Kidnapping; or
- 32           ~~(11) Promotion of prostitution; or~~
- 33           (12) A comparable crime in another jurisdiction;

34       **Sec. 3. 22 MRSA §4055, sub-§1-B** is enacted to read:

2 1-B. Conclusive presumption. The court shall presume that  
3 the parent is unwilling or unable to protect the parent's child  
4 from jeopardy and these circumstances are unlikely to change  
5 within a time which is reasonably calculated to meet the child's  
6 needs and that termination is in the best interest of the child,  
7 and shall order termination of parental rights, if the parent is  
8 convicted of:

9  
10 A. A sexual assault under Title 17-A, chapter 11 and the  
11 victim is a minor;

12 B. Incest under Title 17-A, section 556 and the victim is a  
13 minor; or

14 C. Aggravated promotion of prostitution under Title 17-A,  
15 section 852 and the victim is a minor.

18  
19 **SUMMARY**

20  
21 This bill requires the court to terminate the parental  
22 rights of a person convicted of certain sexual offenses involving  
a minor.